

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

OLIVIA Y., et al.

PLAINTIFFS

v.

CIVIL ACTION NO. 3:04CV251LN

HALEY BARBOUR, as Governor of the State of Mississippi, et al.

DEFENDANTS

**PLAINTIFFS' MOTION TO EXCEED PAGE LIMITATION FOR MEMORANDA
IN SUPPORT OF PLAINTIFFS' MOTION FOR CONTEMPT AND
FOR THE APPOINTMENT OF A RECEIVER**

Plaintiffs respectfully request the Court to allow Plaintiffs' original and rebuttal memoranda in support of their motion for a finding of contempt and for the appointment of a receiver to exceed the thirty-five page limitation. In addition, Plaintiffs respectfully request that they be relieved from filing a supporting memorandum of authorities due to the self explanatory nature of this Motion. In support, Plaintiffs state the following:

1. Rule 7(b)(5) of the Local Uniform Civil Rules of the United States District Courts for the Northern District of Mississippi and the Southern District of Mississippi provides that the movant's original and rebuttal memoranda together shall not exceed a total of thirty-five pages, and that the respondent's reply memorandum shall not exceed thirty-five pages.
2. This litigation addresses many significant constitutional and legal issues important to the State of Mississippi and the children in its custody. The lawsuit was settled by a wide-ranging consent decree entered by this Court on January 4, 2008, which obligated Defendants to meet numerous requirements. Over the course of the past two and one-half years, the Parties have entered into two annual implementation plans which provided further interim benchmarks that

Defendants were required to meet. Together, the Settlement Agreement and the Period Two Implementation Plan mandated that Defendants take over one hundred specific action steps that Defendants agreed were necessary to build a functioning child welfare infrastructure.

3. Plaintiffs assert that Defendants are in noncompliance with nearly all of their obligations under both the Settlement Agreement and the Period Two Implementation Plan. In order to properly establish all of the areas in which Defendants have not complied, and to brief all of the issues necessary to establish contempt, it will be necessary that the original and rebuttal memoranda exceed a total of thirty-five pages.

4. Counsel for Plaintiffs is aware that excessively long filings are not appropriate and every effort will be made to be as concise as possible.

WHEREFORE, Plaintiffs respectfully request that this Court allow Plaintiffs' original and rebuttal memoranda in support of their motion for summary judgment to exceed the thirty-five page limit.

Respectfully submitted, this 5th day of October, 2010.

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Plaintiffs' Counsel

CERTIFICATE OF SERVICE

I hereby certify that on October 5, 2010, I electronically filed the foregoing Motion to Exceed Page Limitation for Memoranda in Support of Plaintiffs' Motion for Contempt and for the Appointment of a Receiver with the Court using the ECF system, which sent notification of such filing to the following:

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